IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.2587 OF 2007

Amol Baban Randhave/Randive Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Balasaheb Deshmukh, Advocate for the applicant.

Mr Rajesh More, APP for the respondent.

CORAM: V.C. DAGA,J.
DATED: 22.8.2007.

P.C.

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused the application and the material available on record.

3. The applicant-original accused No.3,(i.e. the husband of deceased Sarika) arrested in C.R.No. 121 of 2007, registered with Indapur Police Station, District Pune for the offence under Sections 307, 498A, read with Section 34 of the I.P.C., is seeking bail under Section 439 of the Cr.P.C.

4. According to the prosecution,deceased Sarika was staying with her father at village Surwad, tq. Indapur. The accused no.1 is the mother-in-law of the deceased Sarika Amol Randhave and accused no.2 is the sister of the accused No.1. It is alleged that the

Accused Nos. 1 and 2 on 21.6.2007 entered in the house of the father of the complainant, poured kerosene on the person of Sarika and set her on fire as their demand of Rs. 40,000/- for purchasing motor cycle for the accused No.3 was not fulfilled. Initially, the offence came to be registered under section 307 read with Section 34 of the I.P.C. After death of Sarika the offence came to be converted into Section 302 of the I.P.C.

5. The present applicant-accused came to be arrested on 23.6.2007 and since he is in jail. He has moved bail application in Sessions Court which came to be rejected on 21.7.2007.

6. Having seen the material placed on record, prima facie, I find no role played by the present applicant - accused no. 3, in the commission of offence who was residing at Baramati; whereas, the alleged incident took place on 21.6.2007 at her parents house at village Surwad, tq. Indapur, on which date, admittedly, the accused no.3 was not present at the place of occurrence.

7. No incriminating evidence is found against the present applicant. In this view of the matter, there is no reason to allow continue jail custody of the applicant any further, I am, therefore, inclined to grant bail to the applicant on following terms and conditions.

a] The applicant arrested in connection with C.R.No.121 of 2007 registered with Indapur Police Station,for the offence punishable under Sections 302, 498A read with Section 34 of the I.P.C.shall be enlarged on bail subject to furnishing a personal bond of Rs. 25,000/- with one local surety in the like amount.

b] The applicant shall report to the above Police Station once in a week i.e. Monday in between 3.00 to 5.00 p.m. till conclusion of the trial.

c] The order of bail will be given effect only after the applicant furnish to the Investigating Officer the details about his place of residence and address where he propose to stay after he is enlarged on bail.

d] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not, in any manner, tamper with the prosecution evidence.

e] The applicant shall co-operate with the Investigating Officer in investigation.

f] Any observation made in this order shall

not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

8. The applicant is put on notice that on a report by the State in violating any of the conditions by him, mentioned herein, shall result in cancellation of this bail order.

9. Application is disposed of in above terms.

(V.C.DAGA,J)